

**Draft Summary of the Plenary Group Meeting
Oroville Facilities Relicensing (FERC Project No. 2100)
November 1, 2001**

The Department of Water Resources (DWR) hosted the Plenary Group meeting on November 1, 2001 in Oroville.

A summary of the discussion, decisions made, and action items is provided below. This summary is not intended to be a transcript, analysis of the meeting, or to indicate agreement or disagreement with any of the items summarized, except where expressly stated. The intent is to present an informational summary for interested parties who could not attend the meeting. The following attachments are provided:

Attachment 1	Meeting Agenda with Work Group Abstracts (Cultural Resources 9/25/01, Environmental 9/26/01, Land Use, Land Management and Aesthetics 10/9/01)
Attachment 2	Meeting Attendees
Attachment 3	Flip Chart Notes
Attachment 4	Oroville Facilities Recreation Projects
Attachment 5	Recreation & Socioeconomics Work Group Recommendations to the Plenary Group
Attachment 6	Letter from Harry Williamson, National Parks Service
Attachment 7	Study Plan Development Update Presentation

Introduction

Attendees were welcomed to the Plenary Group meeting and objectives were discussed. The meeting agenda and list of meeting attendees with their affiliations are appended to this summary as Attachments 1 and 2, respectively. Meeting flip charts are included as Attachment 3.

Process Update

Public Scoping Meeting & Site Tour

The Facilitator reported on the two public Scoping meetings held on the evening of October 29, 2001 in Oroville and on the afternoon of October 30, 2001 in Sacramento. She also reported on the public site visit to selected Oroville Facilities conducted on October 29, 2001. She explained that the meetings and site visit were held in association with the release of Scoping Document 1. The site visit provided the public an opportunity to view significant features of the Oroville Facilities. The Scoping meetings were held to allow all participants an opportunity to receive information on the relicensing process and provide comments on Scoping Document 1.

Work Group Abstracts

The Facilitator informed the Plenary Group that the following Work Group meeting abstracts are included with the agenda: Cultural Resources (9/25/01), Environmental (9/26/01), and Land Use, Land Management and Aesthetics (10/9/01).

Action Items – September 24, 2001 Plenary Group Meeting

A summary of the September 24, 2001 Plenary Group meeting is posted on the relicensing web site. The facilitator reviewed the status of action items from that meeting as follows:

Action Item #P57	Include new relicensing schedule on relicensing web site. Update schedule on a monthly basis.
Status:	Completed and on going.

Action Item #P58	Revise Figure 4 in SD1 to clearly identify the current FERC boundary and the facilities included in the existing project description.
Status:	Completed.
Action Item #P59	Distribute the public draft of SD1 to the Plenary Group on CD upon request.
Status:	SD1 was distributed to the public on September 27, 2001. Additional copies are available to the Plenary Group in both hard copy or on CD-ROM at this meeting. Anyone who wants a copy of SD1 should contact Len Marino of DWR.
Action Item #P60	Make available to the Plenary Group the NMFS/FWS ESA presentation from the Environmental Work Group.
Status:	The NMFS/FWS ESA presentation was posted on the relicensing web site.
Action Item #P61	Provide information on projects presently being implemented by DWR and/or DPR.
Status:	Dave Ferguson of DWR provided the Plenary Group with a list of Oroville Facilities recreation projects that have been completed or are in the process of being completed by DWR. The list of projects included both FERC-mandated projects from the 1994 amendment to the existing license (shown with two asterisks in the list), and projects that were implemented as part of DWR's normal capital improvements at the Oroville Facilities. Dave added that the list did not include projects developed by the Department of Parks and Recreation (except for the paved entrance road at the South Forebay recreation facility). The list of Oroville Facilities Recreation Projects is appended to this Summary as Attachment 4.
	Roger Masuda representing Butte County asked if a comprehensive list including the DPR projects could be provided to the Plenary Group by their next meeting. Roger specifically requested inclusion of estimated project costs, completion dates, and a determination of whether the project is part of a larger phased project. Dave Ferguson agreed to provide the Plenary Group with an updated list of recreation projects. One Participant asked if any of the FERC-mandated projects had not been completed. Dave Ferguson responded that the boat ramp extensions at Lime Saddle and at the Spillway were the only FERC-mandated projects that had not been completed.
Action Item #P62	Define Interim Project and Early Implementation Project.
Status:	Rick Ramirez of DWR reported that draft definitions for Interim Project and Early Implementation Project had been developed but needed to be included in the Interim Projects Settlement Agreement language (as Appendix B). He added that Interim Projects would also be included in the comprehensive settlement agreement as part of the license submittal. Rick explained that Interim Projects are those that can be implemented prior to the new license taking effect in 2007.
	One participant asked if it would be preferable to have the decision makers from the various organizations represented in the Plenary Group present when the Interim Projects Settlement Agreement and these definitions were being negotiated. Rick responded that the process protocols allowed for representatives of the various groups to sit on the Plenary Group, participate in Task Force meetings and report the progress of negotiations back to their respective groups. He added that the draft was too early in development to engage the decision-makers of some of the entities represented in the Plenary Group.
	One participant asked what the differences are between the Interim Projects Settlement Agreement and the comprehensive agreement. Rick Ramirez responded that the decisions on the Interim Projects (aside for some funding considerations) would be internal to DWR. Whereas decisions on settlement agreements for the relicensing effort would be subject to the consensus process of the collaborative involving agencies and other parties represented in the Plenary Group.

Recommendation from Recreation and Socioeconomics Work Group on Interim Projects

Dale Hoffman-Floerke of DWR provided a brief history of the Interim Projects process for the Plenary Group. She summarized DWR's decision to allow for Interim Projects, the creation of the

Interim Projects Task Force, and the process the Interim Projects Task Force utilized to prioritize and consolidate projects to develop a final list of recommendations. Dale acknowledged that the Interim Projects Task Force went above and beyond their charge to put together a list of projects and asked that the Task Force members be commended for the time and effort that they put into these recommendations. Additionally, to demonstrate broad participation in the Interim Projects Task Force, Dale asked how many of the participants present attended at least one Interim Project Task Force meeting. Roughly half of the Plenary Group participants present raised their hands.

Dale reported that the Recreation and Socioeconomics Work Group reviewed the Interim Projects Task Force recommendation at their October 25, 2001 meeting and achieved consensus on the proposed list of projects for recommendation to the Plenary Group and eventual submittal to DWR. Dale added that the Recreation and Socioeconomics Work Group recognized the level of uncertainty in some of the cost analyses associated with the Interim Projects so the list of projects does not include that information. Riverbend Park, which is proceeding on a somewhat separate track, is mentioned in the recommendation but is not included as a true Interim Project.

Dale explained that the list of Interim Projects was divided into four groups: "Group A", "Group B", "Potential Phase 2", and "Potential Projects to be addressed in Other Work Groups". She stressed that the Group A and B designations did not imply a ranking and that a Group B project was as likely to be implemented as a Group A project.

Steve Nachtman distributed the Oroville Facilities Relicensing Recreation and Socioeconomics Work Group Recommendations document. Detailed descriptions of the projects including location and project purpose are included as well as a description of the Interim Projects evaluation and approval process, potential evaluation criteria, and a screening criteria matrix. The Recommendations document is appended to this summary as Attachment 5. Steve explained that this is still a working document and that much more information would be needed on each project prior to implementation. He added that DWR had received some additional project information that was not included in this draft. He also mentioned that discussion with Pete Dangermond of the Dangermond Group regarding land acquisitions issues had not been included.

Tom Glover of DWR and D.C. Jones, a resident of Oroville, provided brief descriptions of the projects in Group A and Group B, respectively. Craig Jones of the State Water Contractors described the projects in the Potential Phase 2 group and the Potential Projects to be addressed by Other Work Groups.

The following paragraphs summarize the discussions generated by each list of projects.

Group A Projects

Roger Masuda asked if the Plenary Group should consider projects, or features of projects as interim projects and count them against a proposed funding limit if DWR would be compelled to do them by law anyway. For example, are bathroom upgrades really a legitimate interim project if DWR is currently being forced to upgrade anyway to comply with the Americans with Disabilities Act (ADA)? Dale Hoffman-Floerke responded that the goal of the interim project was to improve temporary facilities with permanent ones. You could comply with the law by using ADA portable toilets. She added that this project would include an inventory of all restroom facilities, and would capture which ones needed to be brought up to ADA standards.

One participant asked that the "upper" and "lower" areas be clarified on the Lakeland Drive Access project. DWR responded that the "upper" area is above the gate and the lower area was where it occasionally flooded. Tom Glover added that the description would make more sense if DWR could get an access agreement to use the adjacent railroad grade. The participant added that it would make sense to include an ADA compliant access at the diversion pool. Tom responded that

any improvements would include compliance with ADA. Another participant added that this project would help with emergency vehicle access at the bridge.

Ken Kules from the Metropolitan Water District added that a map showing the location of each Interim Project would be a useful addition to the document. The Facilitator responded that a map was being prepared and would be included in the next edition.

Group B Projects

Sharon Stohrer of the State Water Resources Control Board asked when adequate construction cost and operation and maintenance figures would be available. She questioned whether the Plenary Group could move the projects ahead, or DWR could choose which projects in the recommendation should be implemented, without specific construction and maintenance cost information. She also voiced a concern that the unknown cost of implementing Interim Projects could adversely effect DWR's ability to implement PM&Es identified by relicensing studies, as well as measures mandated by state and federal agencies. Rick Ramirez responded that detailed cost figures and construction figures would be developed for each project as DWR approves them. As an interim measure, Tom Glover will prepare preliminary cost estimates for each project as required. Rick added that DWR was satisfied that it would have enough information to determine which projects should be implemented before the anticipated January, 2001 decision date. DWR is dedicated to making sure the available funding will produce the greatest benefit from Interim Projects for the community. Ward Tabor from DWR added that the resources committed to developing Interim Projects would not impact DWR's ability to implement mandated enhancements resulting from relicensing.

Roger Masuda asked if DWR and DPR have a moratorium on projects that are not included in the Interim Project proposal. Tom Glover responded that many of the projects on the Interim Projects list would have been implemented without this process. For example, DWR was in the process of identifying and implementing some upgrades to facility restrooms but this process helped to identify what was important to the community and how to prioritize things. Rick Ramirez responded that DWR is willing to do the projects identified during this public process and one goal is to create goodwill between the community and DWR. Scott Lawrence of the Feather River Recreation and Parks District added that the Interim Projects Task Force considered these factors and determined that these projects were apart from those that would be implemented under normal operations, or as a result of regulatory mandate. He urged the Plenary Group to move the projects ahead.

One participant asked that the Fish Hatchery Landscaping project be modified to spare mature, existing, non-native vegetation. He added that if the project cannot be modified then it should be removed. Craig Jones suggested that the Plenary Group might not want to alter the project, but instead send it back to the Recreation and Socioeconomics Work Group for review and potential revision. Steve Nachtman suggested that the project be included in the recommendation to DWR, since there would be time during the project review process to provide additional clarity to the project description to address the concern. Other participants voiced concern that removing or altering a project at this level would set a dangerous precedent, and may be applied to other projects. Wayne Dyok of the consulting team added that it was wise for the Plenary Group to move ahead with this issue, but that Craig Jones had raised an interesting point about Plenary Group disagreements that may be applied to other issues. He observed that the Process Protocols called for disagreements to be sent back to the Work Groups for clarification or resolution. Gordon Andoe of the City of Oroville agreed, and added that many of these projects would require additional clarification during the review and approval process. He suggested that the Plenary Group and DWR allow the JPA to review and approve design plans regarding Interim Projects. He is concerned that the process as described by DWR would not be transparent to the community. Rick Ramirez responded that DWR would prefer to have disagreements worked out within the collaborative process where the JPA is a participant. The participant with concerns

regarding the Fish Hatchery Landscaping project agreed to develop revised language to spare some non-native vegetation for insertion into the project description.

Rick Ramirez asked the Plenary Group for time to consult with the Field Division and develop a process for making adjustments to the list, clarifying post-approval planning of projects, and providing feedback to the Plenary on planning decisions. Rick agreed to report back to the Plenary Group at their next meeting.

Potential Phase 2 Projects

There was no Plenary Group discussion of these projects.

Potential Projects Addressed by other Work Groups

Craig Jones introduced the group of potential projects that the Task Force felt should be addressed in concert with other Work Groups. He pointed out in particular, the land acquisition projects and suggested that a policy or process be developed to consider lands that come available during the course of the relicensing effort that may be appropriate for project enhancements. He added that the policy or process would need to include the justification for the purchase, a confidentiality clause, and a budget. The group acknowledged the time-sensitive nature of this issue but also pointed out that land acquisition at this time in the process is premature. Roger Masuda added that the policy and projects not implemented from the Interim Projects list should be included in the Recreation Plan developed during relicensing. Steve Nachtman added that the Land Use, Land Management and Aesthetics Work Group and the Recreation and Socioeconomics Work Group were coordinating efforts regarding land issues. Rick Ramirez offered to discuss the issue with DWR Senior Management and provide the Plenary Group with a response at their next meeting.

Plenary Group participants agreed to share the information in the Recreation & Socioeconomics Work Group recommendations with their respective groups, and prepare to discuss and recommend the list of Interim Projects to DWR at their next meeting.

Interim Settlement Agreement Task Force

Rick Ramirez reported on the progress of the Interim Settlement Agreement Task Force. He explained that the Task Force had developed a draft agreement that recognized DWR's efforts in implementing Interim Projects and would give DWR credit in the comprehensive settlement agreements developed as part of the relicensing process. He added that the Interim Settlement Agreement includes a section recognizing efforts on behalf of Riverbend Park and efforts on behalf of the remaining Interim Projects.

He also reported that he had met with the Feather River Recreation and Parks District and had agreed that DWR would provide \$2.2 million of funding for the construction of Riverbend Park. DWR and the District agreed that DWR would provide 4 years of operations and maintenance funding, but had not agreed on what that funding level should be. He added that the comprehensive agreements developed as part of the long-term relicensing process might include a provision for additional operation and maintenance funding beyond four years.

Scott Lawrence added that the District and DWR had made significant progress in developing a workable agreement and was certain that the final agreement language would be finished within the next few weeks. Rick Ramirez agreed that the draft Interim Settlement Agreement would be ready for Plenary Group consideration at their next meeting.

Ward Tabor read a letter from Harry Williamson of the National Park Service. His letter highlighted concerns regarding the Interim Projects including Riverbend Park and their impact on funding that might otherwise be available for other projects. He urged that interim projects consistent with the developing recreation plan be implemented and that cost figures (including O&M) be included in the recommendations. He reiterated that projects be implemented based on demonstrated need

and not simply because they are on the Interim Projects list. Harry stressed that DWR's commitment was to consider projects that could be implemented prior to the new license, and was not a blanket approval of all Interim Projects the community wants. The letter is appended to this summary as Attachment 6.

One participant asked if the Riverbend Project would require new environmental documentation. Scott Lawrence responded that the age of the existing environmental document and the scope of the proposed project would require a new environmental document. He added that it could take from six months to one year to finish.

Roger Masuda asked if the four years of O&M agreed to be DWR would run from the end of construction of the project, or was it time certain. Rick Ramirez responded that it was date certain to coincide with the new license.

Riverbend Park Project – Update for December Action

Scott Lawrence provided a brief update on Riverbend Park and described a site tour conducted for State Water Contractor representatives. He explained the tour allowed the community an opportunity to share its vision of the park with the contractors and helped them gain a better understanding of what was being proposed. Craig Jones agreed and added that the tour had helped rally SWC support of the project.

Scott also mentioned that the District was exploring the possibility of an arrangement with DWR to expedite the environmental documentation required for the project since some of the local grant funding for the project is predicated on getting the CEQA/NEPA process started. He added that the Dangermond Group was continuing to work with the District in developing inundation maps and a grant writer has been secured to help obtain additional funding for the project.

Sharon Stohrer asked if the District had obtained a biological opinion from the National Marine Fisheries Service. Scott responded that the expectation was that this would be covered during the environmental documentation process. One participant asked that the southern boundary of the project be included in Appendix A. Scott agreed to do this.

The Facilitator mentioned to the Plenary Group that they would be asked to make a recommendation to DWR on Riverbend Park at their next meeting. If a participant required any additional information about the project they should contact Scott or Bob Sharkey at the District.

Study Plan Development and Coordination Update

Len Marino of DWR gave a presentation updating the Plenary Group on Study Plan development and coordination. He mentioned that DWR's near-term goal is to present the Plenary Group draft Study Plans at their December 11 meeting, and finalize Study Plans in early 2002. The long-term goal is to take advantage of two field study seasons and develop settlement agreements by 2004. The presentation also provided the Plenary Group with an outline of the study plan development process. The Study Plan Development presentation is appended to this summary as Attachment 7.

Len also updated the Plenary Group on Study Plan Coordination efforts and shared a colored matrix showing how information is shared between the study plans. He added that the matrix would be utilized to develop a Gantt/critical path document that will accompany the Study Plans. A narrative explaining the Gantt chart will also be developed.

Roger Masuda requested that information regarding the authors of the Study Plans be provided to the Plenary Group prior to the December 11 meeting. The Facilitator responded that task forces

are developing the study plans with more than one participant so it isn't possible to identify one author.

Roger added that it was important to Butte County (especially for the socioeconomic analysis) that they know the qualifications of the people who authored the Study Plans because the County would be committing significant resources to review and comment on these Study Plans. Roger said that the community needs to be involved in the process as the data and reports are developed and that the process needs to be transparent. Rick Ramirez responded that the Study Plans are being developed through the collaborative process and they are receiving significant review and revision by members of the community. He felt confident that the process is effective in taking the technical knowledge provided by the consultants and DWR staff and combining it with local knowledge.

Wayne Dyok agreed that it was necessary to have touchpoints or milestones throughout the process so that adjustments can be made as things develop. Having identifiable milestones helps people keep engaged in the process. He added that many of the Study Plans have milestones in them but that the coordination of these points needs to be worked out by the Work Groups.

Ken Kules informed the Plenary Group that the FWS and NMFS had issued guidelines on cumulative impacts since their last meeting. He asked what measures were being taken to coordinate cumulative impacts in the Study Plan process. The Facilitator responded that the Environmental Work Group assigned a Task Force to develop a set of protocols for addressing cumulative impacts. Wayne Dyok added that he would provide the Plenary Group with an update and schedule of the Task Force's activities at their next meeting.

Next Meeting

The Plenary Group agreed to start their next meeting at 1:00 P.M. to accommodate expanded discussion on Interim Projects, Riverbend Park, and draft Study Plans. They agreed that the afternoon session would run from 1:00 p.m. to 5:00 p.m. and include the discussion on Draft Study Plans. The evening session would run from 5:00 p.m. (including dinner) to 9:00 p.m. and include the discussions on Interim Projects and Riverbend Park.

The Plenary Group agreed to meet on:

Date: Tuesday, December 11, 2001
Time: 1:00 p.m. to 9:00 p.m.
Location: To be announced

Agreements Made

1. The Plenary Group agreed to review the information in the Recreation & Socioeconomics Work Group Recommendations to the Plenary Group document, and be prepared to discuss and potentially approve the list of Interim Projects at their next meeting.
2. The Plenary Group agreed to start the next Plenary Group meeting at 1:00 p.m. to accommodate an extended discussion of Interim Projects, Riverbend Park, and Study Plans.

Action Items

The following list of action items identified by the Plenary Group includes a description of the action, the participant responsible for the action, and due date.

Action Item #P63: Provide the Plenary Group with a revised list of projects presently being implemented by DWR and/or DPR. The list will include project cost and completion date.

Responsible: DWR Staff
Due Date: December 11, 2001.

Action Item #P64: Discuss land acquisition policy or process with DWR Senior Management and update the Plenary Group at their next meeting.

Responsible: DWR Staff
Due Date: December 11, 2001

Action Item #P65: Provide the Plenary Group with a map showing the locations of all Interim Projects.

Responsible: DWR Staff
Due Date: December 11, 2001

Action Item #P66: Develop process for making adjustments to the Interim Projects list, provide clarity to the post approval planning process, and provide feedback to the Plenary Group.

Responsible: DWR Staff
Due Date: December 11, 2001.

Action Item #P67: Provide the draft Interim Settlement Agreement to the Plenary Group.

Responsible: Interim Settlement Agreement Task Force
Due Date: December 4, 2001

Action Item #P68: Update map for Appendix A of Riverbend Park recommendation to include project boundary.

Responsible: Scott Lawrence
Due Date: December 11, 2001

Action Item #P69: Provide the Plenary Group with an update and schedule of the Cumulative Impacts Task Force activities.

Responsible: Consulting Team
Due Date: December 11, 2001

Action Item #P70: Distribute draft Study Plans to the Plenary Group for review and discussion at their next meeting.

Responsible: Consulting Team
Due Date: December 4, 2001